

FILED

MAY 20 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Stephen H.M. Bloch #7813
Tiffany Bartz # 12324
SOUTHERN UTAH WILDERNESS ALLIANCE
425 East 100 South
Salt Lake City, UT 84111
Telephone: (801) 486-3161

Walton Morris, *pro hac vice*
MORRIS LAW OFFICE, P.C.
1901 Pheasant Lane
Charlottesville, VA 22901
Telephone (434) 293-6616

Sharon Buccino, *pro hac vice*
NATURAL RESOURCES DEFENSE COUNCIL
1200 New York Ave., NW, Suite 400
Washington, DC 20005
Telephone: (202) 289-6868

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

**PETITIONERS' MOTION TO ADMIT AS EVIDENCE PORTIONS
OF THE RULE 30(b)(6) DEPOSITION OF THE DIVISION OF OIL, GAS & MINING**

Pursuant to Rule 32 of the Utah Rules of Civil Procedure, Utah Chapter of the Sierra Club
("Sierra Club"), Southern Utah Wilderness Alliance ("SUWA"), Natural Resources Defense Council

("NRDC"), and National Park Conservation Association ("NPCA")(collectively, "Petitioners") move the Board to admit as evidence in this proceeding the following portions of the Rule 30(b)(6) deposition of the Division of Oil, Gas and Mining ("the Division"), together with the exhibits associated with the designated portions of the Division's deposition testimony:

1. Volume I, pp. 6-19 (testimony concerning the Division's hydrologic data recordation policies);
2. Volume I, pp. 85-88 and 91-94 (testimony concerning the Division's experience in evaluating permit applications for proposed surface mines);
3. Volume I, pp. 96-124 (testimony concerning the evaluation of the Dakota Formation to locate the first aquifer below the coal seam to be mined);
4. Volume I, pp. 136-171 (testimony concerning monitoring stations on Lower Robinson Creek)
5. Volume I, p. 172 (testimony on the Division's use of and reliance on OSM permitting hydrology publications);
6. Volume I, pp. 202-203 (testimony concerning the content of the hydrologic monitoring plans);
7. Volume II, pp. 288-375 (testimony concerning the presence or absence of alluvial valley floors in or adjacent to the permit area); and
8. the supplemental deposition containing the testimony of April Abate concerning the Division's cumulative hydrologic impact assesement.

The designated portions of the Division's deposition contain relevant testimony concerning the issues before the Board in this proceeding. Admission of this testimony into the hearing record

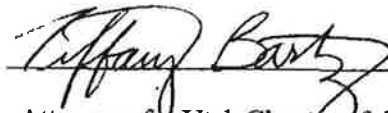
would ensure consideration of all relevant evidence on the issues addressed and would enable the parties to more economically conduct the evidentiary hearing.

WHEREFORE, Petitioners request that the Board enter an order admitting into evidence in this proceeding the portions of the Division's Rule 30(b)(6) deposition designated above.

Dated: May 20, 2010

Respectfully submitted,

By:



Attorneys for Utah Chapter of the
Sierra Club, *et al.*

Stephen H.M. Bloch #7813
Tiffany Bartz #12324
SOUTHERN UTAH WILDERNESS
ALLIANCE
425 East 100 South
Salt Lake City, UT 84111
Telephone: (801) 486-3161

Walton Morris *pro hac vice*
MORRIS LAW OFFICE, P.C.
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Charlottesville, VA 22901
Telephone (434) 293-6616

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NATURAL RESOURCES DEFENSE
COUNCIL
1200 New York Ave., NW, Suite 400
Washington, DC 20005
Telephone: (202) 289-6868

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2010, I served a true and correct copy of **PETITIONERS' MOTION TO ADMIT AS EVIDENCE PORTIONS OF THE RULE 30(b)(6) DEPOSITION OF THE DIVISION OF OIL, GAS & MINING** to each of the following persons via e-mail transmission:

Denise Dragoo, Esq.
James P. Allen, Esq.
Snell & Wilmer, LLP
15 West South Temple, Suite 1200
Salt Lake City, UT 84101
ddragoo@swlaw.com
jallen@swlaw.com

Bennett E. Bayer, Esq. (*Pro Hoc Vice*)
Landrum & Shouse LLP
106 West Vine Street, Suite 800
Lexington, KY 40507
bbayer@landrumshouse.com

Steven Alder, Esq.
Utah Assistant Attorney General
1594 West North Temple
Salt Lake City, UT 84114
stevealder@utah.gov

Michael Johnson, Esq.
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
mikejohnson@utah.gov

Jim Scarth, Esq.
Kane County Attorney
76 North Main Street
Kanab, UT 84741
mackeybridget@hotmail.com

